Appl. No. 10/612,769   PATENT
Amdt. dated April 26, 2006
Reply to Office Action of February 10, 2006

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed February 10, 2006. Claims

1-29 were pending in the present application. This Amendment does not add, cancel, or amend

any claims, leaving pending in the application claims 1-29. Reconsideration of the rejected

claims is respectfully requested.

I.   Rejection under 35 U.S.C. §103

(a) *Barrick* and *Chen*

Claims 1, 3-5, 7-18, and 20-28 are rejected under 35 U.S.C. §103(a) as being obvious

over *Barrick* (US 6,626,647) in view of *Chen* (US 5,793,976). It is respectfully submitted that

Barrick and *Chen* do not teach or suggest each element of these claims.

For example, Applicants' claim 1 recites a method for assembling timing data in a multi-

layer server environment, comprising:

> generating an HTML based request;
> **depositing a time of generation of the HTML based request in one or more hidden
> data fields associated with the HTML based request;**
> **forwarding the HTML based request to one or more servers that deposit an arrival
> time in the one or more hidden data fields associated with the HTML based request;**
> generating an HTML based response;
> **transferring the arrival times provided by the one or more servers to one or more
> hidden data fields associated with the HTML based response;**
> **forwarding the HTML based response to one or more servers that deposit a
> departure time in the one or more hidden data fields associated with the HTML based response**

(*emphasis added*). Such limitations are neither taught nor suggested by these references.

Barrick teaches the measuring of download times for Web pages utilizing a browser

agent that is sent to the user requesting the Web page (col. 2, lines 10-41). The browser agent

measures a download time interval based on the time difference between a request for a Web

page and a loading time for the Web page (col. 2, lines 24-59). The browser agent calculates this

time by recording the time of the sending of the request and, upon receiving back or loading the

requested page, calculating the download interval (col. 7, lines 57-64). The calculated time

interval then can be encoded into an HTTP GET request header and sent to a relay server (col. 7,

lines 60-63; col. 9, lines 1-9).

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This teaching is very different from what is recited in Applicants' claim 1. As recognized in the Office Action on page 3, *Barrick* does not teach or suggest that "the request is sent to one or more servers where arrival times and departure times are additionally added to the hidden fields at each destination." Further, *Barrick* does not disclose "depositing a time of generation of the HTML based request in one or more hidden data fields associated with the HTML based request," as the time of generation is recorded by the browser agent (col. 7, lines 57-64) and only a calculated download time (col. 7, lines 60-63; col. 9, lines 1-9) is written into an HTML header and sent in a subsequent request to a relay server. *Barrick* does not teach or suggest the depositing of times of generation, arrival, or departure in hidden HTML fields for a request, as required by Applicants' claim 1. *Barrick* also does not teach or suggest transferring such times to one or more hidden data fields associated with an HTML based response for that request, as required by Applicants' claim 1. As such, *Barrick* cannot render obvious Applicants' claim 1 and dependent claims 3-5.

Chen does not make up for these deficiencies in *Barrick* with respect to claim 1. *Chen* teaches the monitoring and reporting of delays experienced by a packet of information at each intermediate node of a network (col. 4, lines 26-33). *Chen* teaches determining an overall delay or a node-by-node delay, where the note-by-node delay can be determined using delay-stamp fields in a specific delay measurement management packet (col. 8, line 54-col. 9, line 14). *Chen* does not teach or suggest depositing a time of generation, departure, or arrival of an HTML-based request in one or more hidden data fields associated with an original HTML-based request as required by Applicants' claim 1. Further, *Chen* does not teach or suggest transferring such times to one or more hidden data fields associated with an HTML based response, as required by Applicants' claim 1. As such, *Chen* cannot render obvious claim 1 and dependent claims 3-5, either alone or in combination with *Barrick*.

Independent claims 7, 13, 20, 21, 22, 23, and 24 also recite limitations that are not taught or suggested by *Barrick* and *Chen* for reasons including those discussed above, such that claims 7, 13, 20, 21, 22, 23, and 24 and dependent claims 8-12, 14-18, and 25-28 cannot be rendered obvious by *Barrick* and *Chen*, either alone or in combination.

(b) *Barrick, Chen, and Fish*

Claim 2 is rejected under 35 U.S.C. §103(a) as being obvious over *Barrick* and *Chen* in view of *Fish* (US 2004/0111394). Claim 2 depends from claim 1, which is not rendered obvious by *Barrick* and *Chen* as discussed above. *Fish* does not make up for the deficiencies in *Barrick* and *Chen* with respect to claim 1. *Fish* teaches writing debug information into hidden fields (paragraph [0023]), and in particular is cited as teaching a method for writing debug data into hidden fields of HTML or XML, which remain hidden until the user makes those fields visible (OA p. 6). Even with such teaching, *Fish* does not teach or suggest depositing a time of generation, departure, or arrival of an HTML-based request in one or more hidden data fields associated with an original HTML-based request as required by Applicants' claim 1. Further, *Fish* does not teach or suggest transferring such times to one or more hidden data fields associated with an HTML based response, as required by Applicants' claim 1. As such, *Fish* cannot render obvious claim 1 and dependent claim 2, either alone or in any combination with *Barrick* and *Chen*.

(c) *Barrick, Chen, and Engel*

Claims 6 and 29 are rejected under 35 U.S.C. §103(a) as being obvious over *Barrick* (US 6,626,647) in view of *Engel* (US 2004/0246996). Claim 6 depends from claim 1, and claim 29 depends from claim 24, which are not rendered obvious by *Barrick* and *Chen* as discussed above. *Engel* does not make up for the deficiencies in *Barrick* and *Chen* with respect to claims 1 and 24. *Engel* teaches the use of protocol-enabled switches to provide time synchronization (paragraph [0005]), and in particular is cited as teaching time synchronization across communication devices wherein local time of one or more nodes is synchronized by exchanging timing packets (OA p. 7). Even with such teaching, *Engel* does not teach or suggest depositing a time of generation, departure, or arrival of an HTML-based request in one or more hidden data fields associated with an original HTML-based request. Further, *Engel* does not teach or suggest transferring such times to one or more hidden data fields associated with an HTML based response. As such, *Engel* cannot render obvious claims 1 and 24, or dependent claims 6 and 29, either alone or in any combination with *Barrick* and *Chen*.

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(d) *Barrick, Chen,* and *Blythe*

Claim 19 is rejected under 35 U.S.C. §103(a) as being obvious over *Barrick* and *Chen* in view of *Blythe* (US 2004/0139433). Claim 19 depends from claim 13, which is not rendered obvious by *Barrick* and *Chen* as discussed above. *Blythe* does not make up for the deficiencies in *Barrick* and *Chen* with respect to claim 13. *Blythe* teaches distributing requests across a set of resources in a multi-threaded server in a networking environment (paragraph [0030]), and in particular is cited as teaching the use of application servers in a distributed environment (OA p. 7). Even with such teaching, *Blythe* does not teach or suggest depositing a time of generation, departure, or arrival of an HTML-based request in one or more hidden data fields associated with an original HTML-based request. Further, *Blythe* does not teach or suggest transferring such times to one or more hidden data fields associated with an HTML based response. As such, *Blythe* cannot render obvious claim 13 and dependent claim 19, either alone or in any combination with *Barrick* and *Chen*.

Applicants therefore respectfully request that the rejections with respect to claims 1-29 be withdrawn.

II. Amendment to the Claims

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

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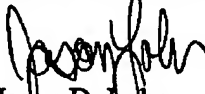## CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this

Application are in condition for allowance. The issuance of a formal Notice of Allowance at an

early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of

this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

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PAGE 13/13 * RCVD AT 4/26/2006 6:48:50 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-3/19 * DNIS:2738300 * CSID:415 576 0300 * DURATION (mm-ss):04-36